



IFW



Docket No.: 240883US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/631,790
Applicants: Maki HAMAGUCHI
Filing Date: August 1, 2003
For: COMPONENT OF GLASS-LIKE CARBON
FOR CVD APPARATUS AND PROCESS
FOR PRODUCTION THEREOF
Group Art Unit: 1763
Examiner: KARLA A. MOORE

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 240883US0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MAKI HAMAGUCHI : EXAMINER: KARLA A. MOORE
SERIAL NO: 10/631,790 :
FILED: AUGUST 1, 2003 : GROUP ART UNIT: 1763
FOR: COMPONENT OF GLASS-LIKE :
CARBON FOR CVD APPARATUS
AND PROCESS FOR
PRODUCTION THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed March 30, 2005, Applicants elect, with traverse, Group I: Claims 1-4, drawn to a component of glass-like carbon for CVD apparatus.

REMARKS

The Examiner has required restriction of the above-identified application as follows:

Group I: Group I: Claims 1-4, drawn to a component of glass-like carbon for CVD apparatus; and
Group II: Claims 5-14, drawn to a process for producing a component of glass-like carbon.

Applicants have elected, with traverse, Group I: Claims 1-4, for further prosecution.

The Office has characterized the inventions of Group I and Group II as related as process of making and product made. Citing MPEP §806.05(f) the Office has opined that the product as claimed can be made by a materially different process. Applicants submit that the Office, in merely proffering an opinion, has not met the burden of showing that the product, as claimed, can be made by another materially different process. Accordingly, Applicants request withdrawal of the Restriction Requirement.

Further, the MPEP, in subsection 803 states:

"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants submit that a search of all the claims would not impose a serious burden on the Office. Because a search of all the claims would not impose a serious burden on the Office, Applicants request withdrawal of the Restriction Requirement.

Finally, Applicants note that MPEP §821.04 states:

"if the applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

Applicants respectfully submit that should the elected group be found allowable, the non-elected claims should be rejoined.

Application No. 10/631,790
Reply to Office Action of March 30, 2005

Applicants submit this application is now in condition for examination on the merits
and early notification of such action is earnestly solicited.

Respectfully submitted,

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